

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MILTON GILL, #391359,

Plaintiff(s),

CASE NUMBER: 05-72712  
HONORABLE VICTORIA A. ROBERTS

v.

DR. MATHAI, et al.,

Defendant(s).

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ORDER GRANTING PLAINTIFF'S  
MOTION FOR REINSTATEMENT

On September 27, 2006, the Court *sua sponte* dismissed several named Defendants without prejudice, including Correctional Medical Services ("CMS"), due to Plaintiff's failure to exhaust his administrative remedies in accordance with this Circuit's interpretation of the requirements of the Prison Litigation Reform Act ("PLRA") of 1996, 42 U.S.C. §1997e(a). In January 2007, however, the Supreme Court in *Jones v Bock*, 127 S.Ct. 910, 921 (2007), held that "failure to exhaust is an affirmative defense under the PLRA, and that inmates are not required to specially plead or demonstrate exhaustion in their complaints."

In light of *Jones*, the Court subsequently granted Plaintiff's request for reinstatement of a number of the dismissed Defendants, pursuant to FRCP 60(b). Inexplicably, Plaintiff did not include CMS in his request. But, he now asks the Court to reinstate CMS as well on the same grounds. Plaintiff's motion is unopposed.

Plaintiff's motion is **GRANTED**. Correctional Medical Services is reinstated as a



party Defendant.

**IT IS SO ORDERED.**

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: September 26, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on September 26, 2007.

s/Carol A. Pinegar

Deputy Clerk